

**BEFORE THE ARIZONA STATE VETERINARY MEDICAL  
EXAMINING BOARD**

IN THE MATTER OF:	)	Case No.: 21-30
	)	
<b>JOSH FINCH, DVM</b>	)	<b>FINDINGS OF FACT,</b>
Holder of License No. 4395	)	<b>CONCLUSIONS OF LAW</b>
	)	<b>AND ORDER</b>
For the practice of Veterinary	)	
Medicine in the State of Arizona,	)	
	)	
<b>Respondent.</b>	)	

On May 19, 2021 and June 16, 2021, the Arizona State Veterinary Medical Examining Board conducted an Informal Interview regarding Josh Finch, DVM ("Respondent"). The proceedings in this matter are governed by A.R.S. § 32-2234 (A). Respondent was advised of his right to legal counsel by letter, appeared, and participated in the Informal Interview with counsel, David Stoll. The Board reviewed all documents submitted regarding this matter, took testimony from Respondent and Ms. Porsher Black, and proceeded as is permitted by A.R.S. § 32-2234 (A).

Following the Informal Interview and the Board's discussion of the information and documents submitted, the Board determined that Respondent's conduct constituted unprofessional conduct pursuant A.R.S. § 32-2232 (12) as it relates to A.A.C. R3-11-501 (1) for failure to provide courteous verbal interchange and failure to use current professional and scientific knowledge; and A.R.S. § 32-2232 (21) as it relates to A.A.C. R3-11-502 (L) (4) medical record keeping. After considering all of the information and testimony, the Board issues the following Findings of Fact, Conclusions of Law and Order, ("Order").

**FINDINGS OF FACT**

1. Respondent is the holder of License No. 4395 issued on May 24, 2006, and is therefore authorized to practice the profession of veterinary medicine in the State of Arizona.

2. On August 14, 2020, "Jack Jack," a 14-year-old male German Shepherd/Corgi mix was presented to Respondent due to lethargy and anorexia. Complainant reported the dog had stopped eating the day before, was lethargic, and his rear legs appeared to be bothering him. The dog was drinking water and had begun to pant. Complainant tried feeding the dog chicken and rice but he did not eat it. Upon exam, the dog had a weight = 55.7 pounds, a temperature = 102.6 degrees, a heart rate = 120bpm and a respiration rate = 12rpm. Respondent noted that the dog was BAR and healthy on exam. Blood was collected for testing, including a Valley Fever titer, and the dog was discharged with instructions to feed a bland diet.

3. On August 17, 2020, premises staff called to check on the dog. Complainant's wife reported that the dog had not improved but had eaten a little chicken and rice. According to the medical record, the dog was also having diarrhea. Staff advised they would update Respondent on the dog's condition.

4. Abnormal blood results:

<i>SDMA</i>	15	(0 – 14)
<i>Creat</i>	2.6	(0.5 – 1.5)
<i>BUN</i>	49	(9 – 31)
<i>Phos</i>	6.9	(2.5 – 6.1)

Na:K Ratio	27	(28 – 37)
ALT	154	(18 – 121)
AST	107	(16 – 55)
Amylase	2556	(337 – 1469)
Lipase	>1800	(0 – 250)
Creat Kin	602	(10 – 200)
Spec cPL	1833	(0 – 200)
HCT	35.2	(38.3 – 56.5)
HGB	11.9	(13.4 – 20.7)
MCH	21.6	(21.9 – 26.1)
Neuts	13284	(2940 – 12670)
Eos	47	(70 – 1490)
Valley Fever IgG	Weak Positive <1:2	

5. According to Respondent, he contacted the pet owners to discuss the blood results (Complainant stated Respondent called them on 8/19/20 about the blood work). Valley Fever was weak positive which Respondent felt was likely from a previous infection/exposure. His assessment was pancreatitis with secondary renal and liver abnormalities. Respondent discussed his concern with Complainant of pancreatitis and recommended supportive care – convenia, cerenia and gabapentin were recommended. He further recommended switching the dog's diet to a GI low fat diet instead of the chicken and rice. If the dog was not improving or worsened, an abdominal ultrasound would be recommended.

6. On August 19, 2020, the dog was presented to Respondent for treatment. Upon exam, the dog had a weight = 54.4 pounds, a temperature = 102.4

degrees, a heart rate = 126bpm, and a respiration rate = 10rpm; only vitals were taken, no body systems were evaluated. The dog was discharged with the following:

- a. Cefpodoxime 100mg, 15 tablets; give 1.5 tablets orally once a day for 10 days;
- b. Gabapentin 600mg, 30 tablets; give  $\frac{1}{4}$  -  $\frac{1}{2}$  tablet orally twice a day as needed;
- c. Cerenia 60mg, (quantity unknown), give 1 tablet orally once a day for four days; and
- d. Chicken and rice diet.

7. On August 21, 2020, premises staff called to get an update on the dog. Complainant stated they advised that the dog was still not eating much but better than before. The dog was still lethargic and low energy. Complainant was advised to continue the medication and Respondent would be updated. The medical records read that the dog's diarrhea had resolved.

8. On September 1, 2020, Complainant called the premises to report the dog had not improved. He had become weak and thin. Respondent advised that an abdominal ultrasound would be the next step and cerenia can be given in the meantime.

9. On September 3, 2020, the cerenia was refilled – quantity unknown.

10. On September 4, 2020, the dog was presented to the premises to have an abdominal ultrasound performed by Dr. Lawmaster. Exam noted the dog had a weight = 49.3 pounds, temperature = 101.5 degrees, a heart rate = 120bpm, and a respiration rate = 12rpm; BAR. Later that day, Complainant's wife picked up the dog; she did not speak with Respondent, but a staff

1 member told her that they may need to start a new hydrolyzed protein diet  
2 and they did see the pancreatitis was resolving. The dog was administered a  
3 vitamin B injection (1.0mL SQ). Complainant's wife was concerned the dog was  
4 not eating, lethargic, and having trouble getting around. The staff member  
5 stated she would let Respondent know.

6 11. The following day, Complainant's wife went back to the premises to  
7 return the food they were initially prescribed. She was told that the ultrasound  
8 results would be available Tuesday, since Monday was a holiday.

9 12. On September 9, 2020, Complainant did not hear from Respondent  
10 regarding the ultrasound results. Respondent stated in his narrative that he was  
11 able to review the full ultrasound report and planned on following up with the  
12 pet owners. However, an emergency came in at the end of the day and  
13 prevented Respondent from contacting Complainant that evening.  
14 Respondent had noted in the medical record that a renal cyst was noted on  
15 the ultrasound, blood work showed renal disease, and it was possible that renal  
16 disease was more primary than secondary to pancreatitis.

17 13. On September 10, 2020, the dog was presented to Dobson Ranch  
18 Animal Hospital & Grooming. Dr. Hirth examined the dog; she noted the dog  
19 could not support himself in his rear legs, was dehydrated, depressed and had  
20 lost weight (now weighing 48.3 pounds; 55.7 pounds previously). The dog was  
21 not eating but had excessive thirst and urination. Dr. Hirth stated that when she  
22 reviewed the dog's blood work from Respondent with Complainant's wife,  
23 Complainant's wife was surprised abnormal kidney values were present.  
24 Complainant stated that they were only told about the pancreatitis, not about  
25 the kidney values or Valley Fever.

1 14. Blood work was rechecked and revealed profound anemia, severe  
2 azotemia and hyperphosphatemia. Dr. Hirth discussed treatment options and  
3 the dog's poor prognosis with Complainant's wife. Ultimately humane  
4 euthanasia was elected and the dog was euthanized.

### 6 CONCLUSIONS OF LAW

7 15. The Arizona State Veterinary Medical Examining Board has jurisdiction  
8 over this matter pursuant to A.R.S. § 32-2201, et seq.

9 16. The conduct and circumstances described in the Findings of Fact above,  
10 constitutes a violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501**  
11 **(1)** failure to provide courteous verbal interchange by not effectively  
12 communicating with the pet owners regarding the ultrasound results and  
13 answering questions regarding the care and treatment of the dog;

14 17. The conduct and circumstances described in the Findings of Fact above,  
15 constitutes a violation of **A.R.S. § 32-2232 (12)** as it relates to **A.A.C. R3-11-501**  
16 **(1)** failure to use current professional and scientific knowledge with respect to  
17 not recommending a urinalysis and potentially fluids if needed at that time; and

18 18. The conduct and circumstances described in the Findings of Fact above,  
19 constitutes a violation of **A.R.S. § 32-2232 (21)** as it relates to **A.A.C. R3-11-502 (L)**  
20 **(4)** failure to perform an exam on the dog on August 19, 2020.

### 22 ORDER

23 Based upon the foregoing Findings of Fact and Conclusions of Law it is  
24 **ORDERED** that Respondent's License, No. 4395 be placed on **PROBATION** for a  
25 period of one (1) year, subject to the following terms and conditions that shall

1 be completed within the Probationary period. These requirements include six (6)  
2 total hours of continuing education (CE) detailed below:

3 1. **IT IS ORDERED THAT** Respondent shall provide written proof satisfactory to  
4 the Board that he has completed four (4) hours of continuing education (CE);  
5 hours earned in compliance with this order shall not be used for licensure  
6 renewal. Respondent shall satisfy these four (4) hours by attending CE in the  
7 area of internal medicine. Respondent shall submit written verification of  
8 attendance to the Board for approval.

9 2. **IT IS FURTHERED ORDERED THAT** Respondent shall provide written proof  
10 satisfactory to the Board that he has completed two (2) hours of continuing  
11 education (CE); hours earned in compliance with this order shall not be used  
12 for licensure renewal. Respondent shall satisfy these two (2) hours by attending  
13 CE in the area of communication. Respondent shall submit written verification  
14 of attendance to the Board for approval.

15 3. **All continuing education to be completed for this Order shall be pre-**  
16 **approved by the Board.** Respondent shall submit to the Board a written outline  
17 regarding how he plans to satisfy the requirements in paragraphs 1 and 2 for its  
18 approval within sixty (60) days of the effective date of this Order. The outline  
19 shall include CE course details including, name, provider, date(s), hours of CE to  
20 be earned, and a brief course summary.

21 4. Respondent shall obey all federal, state and local laws/rules governing  
22 the practice of veterinary medicine in this state.

23 5. Respondent shall bear all costs of complying with this Order.

24 6. This Order is conclusive evidence of the matters described and may be  
25 considered by the Board in determining an appropriate sanction in the event a

1 subsequent violation occurs. In the event Respondent violates any term of this  
2 Order, the Board may, after opportunity for Informal Interview or Formal  
3 Hearing, take any other appropriate disciplinary action authorized by law,  
4 including suspension or revocation of Respondent's license.


5  
6 **REHEARING/APPEAL RIGHTS**

7 Respondent has the right to petition for a rehearing or review of this Order.  
8 Pursuant to A.R.S. § 32-2234 (H) and § 41-1092.09 the petition must be filed with  
9 the Board within thirty-five (35) days from the date of mailing if the Order was  
10 served via certified mail. Pursuant to A.A.C. R3-11-904 (C), the petition must set  
11 forth legally sufficient reasons for granting the rehearing or review. The filing of  
12 a petition for rehearing or review is required to preserve any rights of appeal to  
13 the Superior Court that the party may wish to pursue.

14 This Order shall be effective and in force upon the expiration of the above  
15 time period for filing a motion for rehearing or review with the Board. However,  
16 the timely filing of a motion for rehearing or review shall stay the enforcement  
17 of the Board's Order, unless, pursuant to A.A.C. R3-11-904 (F), the Board has  
18 expressly found good cause to believe that this Order shall be effectively  
19 immediately upon the issuance and has so stated in this Order.

20  
21 Dated this 22<sup>nd</sup> day of June, 2021.

22 Arizona State Veterinary Medical Examining Board  
23 Jim Loughhead  
24 Chairman

25 By:   
Victoria Whitmore, Executive Director



1  
2 Original of the foregoing filed this 22<sup>nd</sup> day of June, 2021  
3 with the:

4 Arizona State Veterinary  
5 Medical Examining Board  
6 1740 W. Adams St., Ste. 4600  
7 Phoenix, Arizona 85007

8 Copy of the foregoing sent by certified, return receipt mail  
9 this 22<sup>nd</sup> day of June, 2021 to:

10 Josh Finch, DVM  
11 Address on file  
12 Respondent

13 Copy of the foregoing sent by regular mail  
14 this 22<sup>nd</sup> day of June, 2021 to:

15 David Stoll, Esq.  
16 Beaugureau, Hancock, Stoll and Schwartz, PC  
17 302 E. Coronado Rd  
18 Phoenix, Arizona 85004

19 By: V. Whitmore  
20 Board Staff  
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